

National NAGPRA Program

FY 2010 Final Report

For the period October 1, 2009 – September 30, 2010

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NAGPRA Overview of the Administration of the Law

This report covers activities of the National NAGPRA Program Fiscal Year 2010 (October 1, 2009 – September 30, 2010). The information reported is current as of close of business, September 30, 2010. Regular reports on National NAGPRA's work are available at: <http://www.nps.gov/nagpra/DOCUMENTS/INDEX.htm>.

The Native American Graves Protection and Repatriation Act (NAGPRA) was enacted on November 16, 1990 to address the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to certain Native American cultural items, including human remains, funerary objects, sacred objects, and objects of cultural patrimony. The Act assigned implementation responsibilities to the Secretary of the Interior, including:

- Administering the obligations of museums and Federal agencies with regard to collections of cultural items, as follows:
 - Receiving the inventories and summaries of museums and Federal agencies, extending inventory deadlines for museums when appropriate,
 - Publishing notices for museums and Federal agencies in the Federal Register,
 - Creating and maintaining a database of Culturally Unidentifiable Human Remains, as well as other databases to support the NAGPRA process
 - Making grants to assist museums, Indian tribes, and Native Hawaiian organizations in fulfilling museum responsibilities and the opportunities for tribes and NHOs under the Act,
 - Assessing civil penalties on museums that fail to comply with provisions of the Act, and
 - Establishing and providing staff support to the Native American Graves Protection and Repatriation Act Review Committee;
- Providing oversight and technical assistance in those instances where there are excavations and discoveries of cultural items on Federal and Indian lands;
- Promulgating implementing regulations;
- Providing technical assistance on the entire NAGPRA process, through:
 - Training programs,
 - Website information,
 - Reports prepared for the Review Committee, and
 - Supporting law enforcement investigation allegations of illegal trafficking in Native American human remains and cultural items.

The National NAGPRA Program serves constituents of the law which are all Federal agencies with land and collections responsibilities, museums that receive Federal funds, Native Americans, tribes and Native Hawaiian organizations and the public.

This report will follow the organization of the National NAGPRA Program and its responsibilities pertaining to collections, excavations/discoveries, regulations, and technical assistance given to tribes and to museums and Federal agencies. The report will provide information on National NAGPRA Program databases for Federal agencies and museums.

Summary of the National NAGPRA Program FY 2010

The following are FY 2010 Program statistics in brief.

Collections:

- **Summaries received:** 1,555 total, 462 reporting no collection requiring a summary
- **Inventories received:** 1,319 total, from 1,251 institutions, 262 reporting no collection
- **Notices of Inventory Completion:**
 - 109 published in FY 2010, 1,404 published in total
 - account for 40,303 human remains and 1,007,894 associated funerary objects
- **Notices of Intent to Repatriate**
 - 43 published in FY 2010, 520 published in total
 - account for 146,215 unassociated funerary objects, 4,314 sacred objects, 958 objects of cultural patrimony, 1,210 objects both sacred and patrimony, and 292 undesignated
- **Notices of Intended Disposition**
 - 105 Notices reported for 966 minimum number of individuals; 1416 associated funerary objects, 64 unassociated funerary objects, and 3 objects of cultural patrimony
- **Notice processing:**
 - 140 received, 152 published
 - aging drafts (pre-2006) 3 published, 18 remaining
- **Culturally Unidentifiable Native American Human Remains (CUI):**
 - Found in 730 inventories, from 667 institutions
 - 123,927 minimum number individuals (MNI), 926,331 associated funerary objects (AFO)
 - 4,916 MNI total subsequently culturally affiliated to date
 - 4,261 MNI total transferred as CUI dispositions
 - 8,823 MNI in Notices of Inventory Completion
- **Culturally Affiliated Native American Human Remains:**
 - Found in 518 inventories, from 442 institutions
 - 42,313 MNI, 1,026,721 AFO
 - 36,795 MNI in Notices of Inventory Completion
- **Grants:**
 - Requested -\$3.1M; Awarded-\$1.75M
 - 24 consultation/document grants and 12 repatriation grants awarded
- **Civil Penalties:**
 - In FY 2010, 18 alleged counts, against 9 museums, investigated; in total 166 alleged counts in 31 allegations, against 27 museums investigated
 - In FY 2010, 3 alleged counts substantiated (17%); in total 21 counts substantiated (13%)
 - In FY 2010, 15 alleged counts unsubstantiated (83%); in total 145 unsubstantiated (87%)
 - In FY 2010, 13 allegations of failure to comply, against 11 museums, received
 - In FY 2010, \$9,820 in penalties collected; in total \$35,990 in penalties collected
 - Through FY 2010, 14 of the museums investigated failed to comply (52%)
- **Review Committee**
 - Meeting October 30-31, 2009, Sarasota, FL
 - Meeting May 14, 2010 (telephonic)
 - Meeting June 11, 2010 (telephonic)
 - 17 requests for disposition or reburial of 420 culturally unidentifiable individuals/819 associated funerary objects; 17 Review Committee recommendations (all 420/819); and 15 concurrences from the Secretary of the Interior (only 340/811)
 - 1 request from a party for findings of fact, 25 USC 3006 (c)(3)

Excavation and Discoveries:

- 105 Notices accounting for 966 MNI, 1416 AFO, 64 unassociated funerary objects, and 3 objects of cultural patrimony

NAGPRA Regulations 43 CFR 10:

- 10.11 Culturally Unidentifiable – final rule March 15, 2010, effective May 14, 2010
- 10.7 Unclaimed – Under development

Technical Assistance and Reports: Training to 1241 in 26 events, 8 videos in production

Highlights of the Year FY 2010

The highlights of the year in the National NAGPRA Program and in the implementation of NAGPRA nationwide can be seen in the statistics on the prior page, but is also seen in certain events that go beyond the numbers. This section of the annual report is devoted to giving additional understanding to the National NAGPRA Program accomplishments, looking at other program activities, commenting upon issues that face NAGPRA communities, and finally, goals and projects slated for action in FY 2011.

1. National NAGPRA Program Accomplishments in Brief

- **Notices:** Notice publication is a barometer of NAGPRA activity by museums and Federal agencies working with tribes to make decisions on transfer of control of Native American human remains and cultural items. Each notice tells the story of historic collection practices and Federal agency and museum actions to consult with tribes and Native Hawaiian organizations to resolve interests in cultural items and the disposition of human remains. There were 152 notices published in FY 2010, which indicates considerable NAGPRA efforts.
- **Grants:** Although the number of Consultation/Documentation grants fell this year, the number of Repatriation grants continues to remain steady indicating a consistent interest in Repatriation funds. The drop in Consultation/Documentation grants did not reflect a decrease in the quality of grant applicants. In fact, the FY10 cycle was highly competitive with grants panelists noting the improvement in quality. Of the grants awarded, 6 (25%) had utilized the opportunity to submit a draft application for staff review. Additionally, 10 (41%) applicants receiving Consultation/Documentation grants were declined the previous year. This is a clear indication that the program's emphasis on feedback and ongoing support has a significant impact on a grantee's ability to receive a NAGPRA grant.
- **Databases:** Emphasis was placed on the completion and release of the database of inventories of Culturally Affiliated human remains, to complement the CUI database, foster consultation and increase repatriation of human remains. In addition, the Notices of Intended Disposition Database and Summaries Database were launched in FY 2010, which completes the disclosure and public access of the NAGPRA compliance documents.
- **Technology development:** New databases, additional capabilities of existing web products and internal data management all benefited from the technology contract in FY 2008 with NuAxis, further described in this report and completed in FY 2010.
- **Training:** The number of participants receiving training was up this year from last year to 1,241. Concurrent with on-site training, the National NAGPRA team continued to develop webinars and video training segments, in order to increase training opportunities at less cost to participants and to increase access to training for all NAGPRA communities. A planning committee has been working on the two-day *NAGPRA at 20* symposium for November 15-

16, 2010, to be held in Washington, DC, prior to the Review Committee meeting. In FY 2010, training was given in partnership with the American Association of Museums; American Association for State and Local History; Bureau of Indian Affairs; Council for West Virginia Archaeology; National Association of Tribal Historic Preservation Officers; National Preservation Institute; Society of American Indian Government Employees; University of Wisconsin; and US/ICOMOS.

- NAGPRA Video Series: Production of the NAGPRA Video series is nearing completion. Some of the videos have been shown to the Review Committee. Premier of the “History of NAGPRA” is scheduled for the 20th Anniversary Celebration of NAGPRA, to be followed by completion of the videos in FY 2011.
 - Webinars: The National NAGPRA Program conducted eight (8) webinars in FY 2010, entitled “NAGPRA Databases,” “NAGPRA Notices: Types, Process and Content,” “Understanding the Role of the NAGPRA Review Committee,” “Integrating the Rule at 43 C.F.R. 10.11 into the NAGPRA Process,” “NAGPRA Open Forum,” “Starting a Repatriation Program: What Every Tribe Should Know,” “NAGPRA for Museums,” and “Managing Your NAGPRA Grant.” Of the 1241 total attendees at FY 2010 trainings conducted either in whole or in part by the National NAGPRA Program, 483 of them attended via webinar (39%).
- Review Committee: In FY 2010, the Review Committee held one in-person and two telephonic meetings. The Review Committee made findings of fact at the request of an affected party (25 U.S.C. 3006(c)(3)); made 17 recommendations on the agreed-upon disposition or reburial of culturally unidentifiable human remains (including the first recommendation to be made pursuant the requirements of the new rule at 43 C.F.R. 10.11); completed their report to the Congress for FY 2009; and continued to play a vital role in providing a forum for public comments on NAGPRA issues.
- Civil penalties: In FY 2010, 9 museums were investigated on 18 alleged counts of failure to comply with the requirements of NAGPRA; 3 of the alleged counts (17%) were determined to be substantiated and 15 of them (83%) were determined to be unsubstantiated. Also, \$9,820 in penalties was collected. The handling of civil penalty investigations continues to be focused upon resolution of cases through museum compliance, and not upon the maximization of penalties assessed.
- Regulations:
 - The rule on disposition of culturally unidentifiable Native American human remains published as final March 15, 2010, although additional comments could be received until May 14, 2010. The comments did not have an effect on the finality of the rule, but were included to determine whether there were overlooked items during the 10 years that the rule was in development. No changes to the rule are immediately apparent although the comments suggested a review of whether disposition of associated funerary objects should be voluntary.

- A Federal Agency Working group is developing a draft of the reserved regulation section 10.7, guidance on disposition of unclaimed human remains and cultural items on Federal and Indian lands.
- GAO Study: The Government Accountability Office (GAO) completed a study in July of this year of Federal agency compliance with NAGPRA, the operations of the National NAGPRA Program and the NAGPRA Review Committee. The GAO made five recommendations:
 - That Federal Agencies develop a needs assessment for compliance
 - That Federal Agencies have a timetable for notice publication for culturally affiliated Native American human remains
 - That the Department of the Interior clarify the status of ANCSA
 - That National NAGPRA take care in Review Committee selection
 - That Federal agencies report repatriation data to National NAGPRA for inclusion in its annual report
- NAGPRA Interns: The National NAGPRA Program has been successful in recruiting diverse interns to work with the program on a variety of projects and reports, including Native American students. Hopefully, these recruitment efforts will result in diversity of full-time staff over time. In FY 2010 interns worked on the State Burial Laws Project, research requested by the Review Committee on the status of human remains in the larger collections of museums, and a study on Review Committee recommendations and follow-up results.
- NAGPRA at 20: National NAGPRA staff participated on the planning committee to execute a two-day symposium on the George Washington University campus this fall. The symposium will bring together NAGPRA practitioners from museums, tribes, Federal agencies, consulting companies, academia and the public to explore NAGPRA issues and discuss best practices.

2. Issues Facing NAGPRA Constituents

- Inventories: The question continually asked by the NAGPRA Review Committee, and continuing from last year, are all Native American human remains in collections also listed in NAGPRA inventories? The question was not answered in the GAO report as the Review Committee had hoped. Museums and Federal agencies report their collections information, and there is no mechanism for auditing. However, the databases launched this year in the National NAGPRA Program are aiding transparency for consultation. Resolving the known and reported Native American human remains in collections appears to be a priority for those with collections.
- Notices: The question that underlies repatriation is whether all culturally affiliated Native American human remains listed in inventories are listed in a Notice of Inventory Completion. In FY 2010 a database of culturally affiliated inventories was launched. When cross-referenced with the notices database it will allow reports to be compiled that sort the homework to be done by museums and Federal agencies, to foster notice publication.

- Notices: In 2005, the category of “on-hold” notices was eliminated. At that time 300 notices previously out of the publication process were put into the process. By 2008, most of the former on-hold drafts had become published notices. Others were properly closed as duplicates or submitted for non-notice publication events, such as repatriation prior to the law, notices submitted that should have been a newspaper notice of new discovery on the land, or submissions by museums that did not have control or did not receive Federal funds. In October 2009, the House Natural Resources Committee held an oversight hearing in which a central issue was the status of these notices. The GAO raised the issue in its 2010 report on NAGPRA. In fact, there is a balance of 18 open files proceeding to publication at the close of FY 2010, from the group identified in 2005. With the arrival of a new fiscal year, the list has been updated to include two drafts that were received prior to 2007, and are still in the processing stage. The program regards drafts pending for more than five years as aging drafts for focused attention.
 - Pending drafts of notices may include several hundred human remains, but there are 5,500 Native American human remains listed in culturally affiliated inventories but not in notices. Identifying this population has been a goal of the National NAGPRA Program since 2005, in order to support publication of inventory decisions in notices. With the launch of the additional databases this year the number can be identified.
 - Culturally Unidentifiable Native American Human Remains (CUI): There are just over 42,000 Native American human remains culturally affiliated and under 37,000 in notices, but almost 124,000 listed as culturally unidentifiable. Study of the available data indicates that the proportions should be the reverse. Two questions should be asked: 1. Has consultation with tribes occurred that will allow information exchange and further identification; and 2. Is the standard for cultural affiliation in the law being applied, or some higher standard?
 - Associated Funerary Objects: Tribes often ask why so many human remains have no associated funerary objects. Did the collections and study practices of the past employ such non-scientific methods that the objects and remains were separated with no record to resolve the separation? The rule on disposition of culturally unidentifiable Native American human remains allows for voluntary inclusion of funerary objects in CUI dispositions. When dispositions of CUI are offered to tribes without the funerary objects, the tribes may elect to pursue further consultation and factual consideration leading to cultural affiliation determinations, which include repatriation of funerary objects.
- Tribal NAGPRA Offices: Tribal NAGPRA offices are not funded in the same manner as THPO offices and this often leads to a lack of capacity in tribes to deal with NAGPRA issues, including management of received inventory and summary documents, invitations for consultation, and resolving claims. The National NAGPRA Program meets part of this challenge by assisting to rebuild tribal files of received documents, assisting tribes and museums with searching old records, which will be aided by new databases of summaries and inventories, and fostering the grants program by assisting tribes to write

successful proposals. Federal agencies and museums often absorb the costs of consultation. More Federal agencies allow reburial on Federal land.

- Training: The need for more and diverse training products remains and will be met in part by efforts of the National NAGPRA Program, but the efforts of Federal agencies, museums and private companies is increasing and is welcome.
- Defining Native American in NAGPRA: There continue to be decisions on cultural affiliation and the application of NAGPRA to human remains, which are impacted by the 9th Circuit decision. Draft NAGPRA notices have been withdrawn by the originator as the decision has been amended from “culturally affiliated” to not “Native American.”

3. Goals in FY 2011 for the National NAGPRA Program

- Website: Incorporate multimedia and news feed in an RSS (Really Simple Syndication) format to provide NAGPRA website updates on frequently updated pages such as headlines, press releases, published notices, and databases.
- Aging Notices: Notices in process for years should be brought to publication this year.
- Regulations: The section on unclaimed Native American human remains and cultural items from Federal lands, 10.7, should advance to a proposed rule. Amendments to clarify sections of the regulations that have been problematic for constituents will be reviewed.
- Training: There is a commitment to reviewing training materials on the website for updates, release the video segments and continue webinars.
- Databases: Full population of databases and audits of data for consistency within and with Federal agency and museum data will lead to better reports.

Collections

The sections of NAGPRA relating to collections describe the inventories, summaries, grants, notices, civil penalties and the Review Committee, which further affects of the administration of the law. These provisions pertain to the responsibilities of Federal agencies and museums that receive Federal funds to inventory collections of Native American human remains and associated funerary objects in consultation with potentially affiliated tribes and NHOs, and to submit an itemized list to the National NAGPRA Program. The cultural affiliation decisions of agencies and museums made in inventories of Native American human remains are reflected in Notices of Inventory Completion, and those not able to be identified are listed in the inventories of Culturally Unidentifiable Human Remains, both of which are available on public access databases. Summaries of the remainder of the Native American collections in the possession or control of Federal agencies and museums generally describe the Native American unassociated funerary objects, sacred objects, and objects of cultural patrimony, which inform consultation of museums and Federal agencies with tribes on repatriation. Decisions to effectuate repatriation of unassociated funerary objects, sacred objects and objects of cultural patrimony are reflected in the published Notices of Intent to Repatriate. Summaries and notices are also available in databases accessed through the National NAGPRA website: www.nps.gov/nagpra.

Final regulations published on March 21, 2007, effective April 20, 2007, require museums and Federal agencies receiving a new collection, or having collections of new Indian tribes, to prepare or update inventories within 2 years and summaries within 6 months. If the museum receives Federal funds for the first time, summaries are due in 3 years and inventories in 5 years.

Grants are available to museums and tribes to fund projects for consultation and accomplish cultural identification of items and to cover costs of repatriation. Civil penalties may be imposed upon museums found in non-compliance with the law by failing to submit inventories and summaries, consult with tribes or to repatriate cultural items in a timely manner. The entire NAGPRA process pertaining to collections is within the jurisdiction of the Native American Graves Protection and Repatriation Act Review Committee, which has broad authority under the law to make recommendations to the Secretary on implementation and toward fact finding and the resolution of disputes.

The following overview of summaries, inventories, culturally affiliated human remains, and culturally unidentifiable human remains reflect an update from numbers reported in prior reports and based upon a review of the National NAGPRA Program records as of September 30, 2010.

To be in compliance with the law, museums and Federal agencies are required, in consultation with tribes, to publish notices that reflect the cultural affiliation determinations in the inventories. Submission of a document to the National NAGPRA Program, without authorization from the originator to publish, does not fulfill compliance obligations under the law. The accommodation to originators of draft notices to place

them “on-hold” was eliminated in 2005. Critical to compliance is the publication of a Notice of Inventory Completion for all of the human remains listed in the inventory as culturally affiliated to a federally recognized tribe. On March 15, 2010, the culturally unidentifiable (CUI) rule was final, which sets out the process for disposition of culturally unidentifiable Native American human remains removed from tribal or aboriginal land. The process culminates in a Notice of Inventory Completion, which must be published for Native American human remains excavated from tribal lands and from the aboriginal lands of tribes. Templates for notices under this rule are available on the website. Disposition can occur to non-federally recognized groups and for reburial with the approval of the Secretary, through request to the Review Committee.

For more information on notices, contact Jaime Lavalley, National NAGPRA Program, (Jaime_Lavalley@contractor.nps.gov).

Summaries and Notices of Intent to Repatriate:

There have been 1,555 summaries received from 1,092 institutions. Additionally, 462 statements of “no summary required” have been received.

There have been 520 Notices of Intent to Repatriate published, an increase of 43 notices in FY 2010. These 520 notices account for 146,215 unassociated funerary objects, 4,314 sacred objects, 958 objects of cultural patrimony, 1,210 sacred objects that are also cultural patrimony, and 292 undesignated cultural items. The 43 new notices represent 2,052 unassociated funerary objects, 11 sacred objects, 10 objects of cultural patrimony, and 388 sacred objects that are also objects of cultural patrimony.

Inventories and Notices of Inventory Completion:

Inventories have been received from 1,251 institutions. Note: There may be duplication of reporting for collections as the law directs those museums with possession or control of collections to submit an inventory and several museums may have collections belonging to Federal agencies, where both the museum and Federal agency submitted an inventory.

The decisions reflected in the inventories are those of the museum or Federal agency and not the National NAGPRA Program. The program facilitates the publication of notices, which contain the decisions of the originator and which serve to establish rights of lineal descendants and tribes or NHOS to request human remains and their funerary objects. The National NAGPRA Program does not audit the collections of the reporting museum or Federal agency unit. Inventories are self-reports of the collection. However, the review process does entail matching the inventory records to the submitted notice. All individuals and associated funerary objects described in the notice must be contained in the inventory. In other words, notices are a reflection of what the museum or Federal agency has in its collections that are reported in their inventory. The National NAGPRA Program does receive amended inventories when museums and Federal agencies change prior determinations after further consultation with tribes, or under the continuing duty to

report collections as specified in regulation. The future applicability rule, 43 C.F.R. 10.13, applies when new items are found in collections, there is a receipt of new collections, collections are affiliated with newly recognized tribes, or the museum receives initial Federal funding.

There have been 1,404 Notices of Inventory Completion published accounting for 40,303 human remains and 1,007,894 associated funerary objects. There were 109 notices published in FY 2010, accounting for 1,628 human remains and 9,062 associated funerary objects.

There has been an increase in efficiency for processing notices from receipt to publication. In FY 2005, there were 195 drafts in processing, of which 127 had been in process for over 5 years. At this time, there are 59 drafts pending publication, of which only 18 drafts are pending 5 years or more. In addition, as shown in Table 2, in the previous three years there have been more notices published than received despite a significant increase in the number received.

The table below reflects the status of submissions during this period:
(Note: Originators may remove a notice from publication due to error in submission or to revise at a later time after consultation with tribes. The decision is that of the originator).

Table 1. Document Processing FY 2010

Year 2010	Beginning	Received	Removed by Originator	Published	In Processing end of FY 2010
NIC	63	101	1	109	54
NIR	9	39	0	43	5
Total:	72	140	1	152	59

Table 2. Table of Notices Published FY 1992 through FY 2010

Year	Published	MNI	AFO	UFO	SO	OC P	SO & OCP	UC I	*Rec'd
1992	2	15	12,225	0	0	0	0		3
1993	14	40	60,071	0	1	0	7		14
1994	13	1,851	275	31,681	1	1	1		19
1995	36	806	18,710	6	243	3	4		37
1996	59	2,290	116,002	32	91	17	10		198
1997	122	1,194	49,392	5,061	116	67	92		187
1998	82	5,280	31,082	2,484	14	62	165		202
1999	108	6,441	30,907	680	106	70	78		156
2000	110	2,026	21,983	3,245	552	11	28		186
2001	199	2,959	167,252	25,583	6	25	5		130
2002	143	3,157	25,301	5,903	110	3	121		109
2003	85	666	31,392	1,195	101	4	135		83
2004	103	1,528	13,924	14,294	37	9	13		63
2005	108	2,337	54,915	1,986	2,183	3	5		77
2006	100	1,373	36,017	10,303	9	6	45		96
2007	108	747	15,619	27,036	28	22	64	215	135
2008	180	3,757	85,819	7,962	173	78	33		146
2009	200	1,531	214,902	6,712	532	567	16	77	159
2010	152	1,628	9,062	2,052	11	10	388		140
Total Notices:	1,924	40,303	1,007,894	146,215	4,314	958	1,210	292	2,140*

Over the past 20 years, there were 157 draft notices submitted that were removed from the publication process and closed as duplicates or submitted for non-notice publication events, such as repatriation prior to the law, notices submitted that should have been a newspaper notice of a new discovery on the land, or submissions by museums that did not have control or did not receive Federal funds.

Culturally Unidentifiable Human Remains:

As part of providing administrative support for the Review Committee, the National NAGPRA Program has compiled the Review Committee's inventory of culturally unidentifiable (CUI) human remains, as required by 25 U.S.C. 3006 (c)(5). The program has entered inventories containing determinations of culturally unidentifiable Native American human remains accounting for 123,927 individuals for whom cultural affiliation has not yet been determined and 925,648 funerary objects associated with those individuals. The number of CUI subsequently culturally affiliated to date is 4,916, and the number of CUI transferred by a disposition to a tribe is a total of 4,261.

Requests for recommendations for disposition could be presented to the Review Committee, which makes recommendations to the Secretary, pending the process for disposition of CUI in 43 CFR 10.11, and thereafter in limited circumstances. Notices of

disposition are published upon receipt of Secretarial authorization, to allow 30 days for competing claims to be lodged prior to transfer of control. There have been 66 disposition authorizations granted by the Secretary out of 83 requests, accounting for 1,568 individuals. In this reporting period there were 17 requests for disposition recommendations, of which 17 were submitted by the Review Committee to the Secretary, accounting for 420 individuals. The Review Committee has established guidelines and a matrix for bringing a request for disposition recommendation, which can be found at www.nps.gov/history/NAGPRA/RevCom/. The guidelines are updated for the operation of the new rule and new notice templates are available at www.nps.gov/notices.

Dispositions of Culturally Unidentifiable Native American Human Remains referred to and acted upon by the Review Committee historically are available on the website at www.nps.gov/RevCom.

Table 3. Dispositions of Culturally Unidentifiable Native American Human Remains

Request #	40th Review Committee Meeting: Oct. 2009	MNI/AFO
67.	Denver Museum of Nature and Science, CO	16/4 notice published
68.	Georgia Department of Transportation, GA	2/30 (15) notice published
69.	Grand Canyon National Park, AZ	9/0 notice published
70.	New York University College of Dentistry, NY	1/0 notice published
71.	New York University College of Dentistry, NY	3/0 notice draft
72.	New York University College of Dentistry, NY	1/0 notice published
73.	New York University College of Dentistry, NY	9/0 notice published
74.	New York University College of Dentistry, NY	2/0 notice published
75.	Pioneer Historical Society of Bent County, CO	2/0 notice published
76.	Public Museum of Grand Rapids, MI	104/746 notice published
77.	University of Colorado Museum, CO	5/2 notice published
78.	University of Colorado Museum, CO	2/0 notice published
79.	University of Colorado Museum, CO	2/2 notice published
80.	University of Colorado Museum, CO	3/0 notice published
81.	University of Colorado Museum, CO	1/0 notice published
82.	University of Colorado Museum, CO	157/10 notice published
	42nd Review Committee Meeting: Jun, 2010	
83.	Tennessee Department of Environment and Conservation, Division of Archaeology, TN	21/17 notice published

Grants:

Requests--

The sum of \$1.75 million was available for grants in FY 2010. The grant application deadline for consultation/documentation grants was March 3, 2010. Repatriation grants are received on a rolling basis. A total of 57 grants applications were received: 41 consultation/documentation proposals and 16 repatriation funding requests. Of these, 37 were from Indian tribes and Native Hawaiian organizations and 20 were from museums. The total amount of grant requests in FY 2010 was \$3,187,182. Grant applications for consultation/documentation projects are reviewed by an outside panel, which met on May 6-7 2010. Each application was reviewed and ranked. Those applicants not receiving a grant received an individualized letter from the grants coordinator containing valuable feedback obtained from the panel to assist them in preparing better grant proposals in the future and in administering successful projects.

Grants Management---

Sangita Chari, Grants Coordinator, and Vedet Coleman, NAGPRA Grants Administrator, continued to work together to strengthen grantee compliance. The stricter disbursement rules and stronger communication between the grant administrator and NAGPRA staff through a shared database and repeated contact with grantees has resulted in much higher rates of compliance, particularly with newer grantees. All 2005 grantees have closed out their grants. For the second year in a row FY 2010 grantees received a two-hour training via a webinar on grants management issues including reporting requirements and procedures for requesting a modification to the grant.

Table 4. Grants Awarded in FY 2010

NAME OF AWARD RECIPIENT	AMOUNT AWARDED
American Museum of Natural History	\$37,867
Bear River Band of the Rohnerville Rancheria	\$89,453
Blue Lake Rancheria	\$46,775
Caddo Nation of Oklahoma	\$89,154
Confederated Tribes of the Umatilla Reservation	\$82,892
Confederated Tribes of the Warm Springs Reservation of Oregon	\$63,008
Death Valley Timbi-Sha Shoshone Band of California	\$49,315
Delaware Tribe of Indians	\$89,796
Denver Museum of Nature & Science	\$60,724
Eiteljorg Museum of American Indians and Western Art	\$90,000
Elk Valley Rancheria	\$21,879
Field Museum of Natural History	\$23,081
Field Museum of Natural History	\$80,545
Hopi Tribe of Arizona	\$83,496
Kenaitze Indian Tribe	\$27,729
Mississippi Dept. of Archives and History, State Historical Museum	\$77,462
Osage Nation of Indians	\$26,262
San Francisco State University, Anthropology Department	\$90,000
Univ. of Alaska Museum of the North	\$89,996
Univ. of Colorado Museum, Boulder	\$90,000
Univ. of Wisconsin, Madison, Department of Anthropology	\$90,000
University of Washington, Burke Museum	\$64,257
Wiyot Tribe	\$89,538
Yurok Tribe of the Yurok Reservation	\$90,000
Total Consultation/Documentation Grants	\$1,643,229

Name of Award Recipient	Amount Awarded
Delaware Tribe of Oklahoma	\$ 5,000
Stockbridge - Munsee Community	\$ 5,000
Palmer Foundation of Chiropractic History	\$ 1,403
Sealaska Corporation	\$ 15,000
Duckwater Shoshone Tribe	\$ 12,160
University of Colorado Museum, Boulder	\$ 14,009
Denver Museum of Nature & Science	\$ 1,984
Grand Traverse Band of Ottawa & Chippewa Indians	\$ 5,089
Hydaburg Cooperative Association	\$ 15,000
Central Council of Tlingit and Haida Indian Tribes of Alaska	\$ 14,395
Central Council of Tlingit and Haida Indian Tribes of Alaska	\$ 14,573
Saginaw Chippewa Indian Tribe of Michigan	\$ 3,207
Total Repatriation Grants	\$ 106,820

Table 5. Grants Requested and Awarded FY 1994 – FY 2010

TRIBES				MUSEUMS			
Year	Number of Applications Received	Amount Requested \$	Amount Awarded \$	Year	Number of Applications Received	Amount Requested \$	Amount Awarded \$
1994	106	6,091,594	1,023,200	1994	113	6,643,200	1,116,800
1995	63	3,842,289	1,387,925	1995	56	2,408,165	854,075
1996	54	3,490,414	1,150,985	1996	33	1,530,039	946,905
1997	54	3,148,112	1,425,600	1997	20	1,055,915	550,650
1998	61	3,547,254	1,557,165	1998	23	1,025,061	775,720
1999	57	3,296,264	1,648,220	1999	22	2,251,415	687,780
2000	84	4,814,432	1,629,170	2000	27	1,276,774	622,830
2001	53	3,048,377	1,802,180	2001	20	1,042,261	635,820
2002	57	3,460,873	1,708,268	2002	16	961,775	537,552
2003	60	3,708,782	1,703,194	2003	12	668,730	497,806
2004	41	2,369,685	1,535,659	2004	17	1,037,649	646,341
2005	41	2,344,891	918,560	2005	17	1,060,299	471,669
2006	52	2,999,228	1,500,965	2006	17	825,172	393,893
2007	36	2,100,960	1,247,243	2007	16	815,239	548,825
2008	29	1,691,220	1,089,554	2008	12	559,317	490,258
2009	51	2,674,813	753,809	2009	31	1,809,161	1,092,787
2010	37	1,959,886	938,721	2010	20	1,227,296	811,328

Civil Penalties:

The civil penalties rule (43 C.F.R. 10.12) was published as an interim rule in 1997 and as a final rule in 2003. In May 2005, through a Secretarial Order, the Secretary of the Interior gave the National NAGPRA Program the responsibility of providing staff support to the Secretary's designee on civil penalties, the Assistant Secretary for Fish and Wildlife and Parks. Since the beginning of FY 2006, the NAGPRA civil penalty coordinator, who serves in the National NAGPRA Program, and a National Park Service law enforcement officer have been working as a team to support the Assistant Secretary. For more information on civil penalties, contact David Tarler, Enforcement Coordinator, National NAGPRA Program (David_Tarler@nps.gov).

The civil penalties investigative function is housed within the National Park Service's Law Enforcement, Security and Emergency Services (LESES) branch. Civil penalty investigations are carried out by NPS law enforcement officer Bob Palmer, who currently is based at Effigy Mounds National Monument. As needed, NPS also is accommodating the National NAGPRA Program on an ongoing basis with law enforcement agents and

officers across the country to assist Bob Palmer in collecting information on allegations of failure to comply.

The NAGPRA regulations set forth 9 ways that a museum might fail to comply with the Act or its regulations (43 C.F.R. 10.12 (b)(1)):

- i. Sale or transfer of NAGPRA items contrary to NAGPRA.
- ii. Failure to complete a summary.
- iii. Failure to complete an inventory.
- iv. Failure to notify tribes within 6 months after completion of the inventory.
- v. Refusal to repatriate.
- vi. Repatriation prior to publishing a notice in the Federal Register.
- vii. Failure to consult with tribes and/or lineal descendants.
- viii. Failure to inform recipients that items have been treated with pesticides.
- ix. Failure to offer to transfer control of culturally unidentifiable human remains upon receipt of a claim by an appropriate “tribal land” tribe or “aboriginal land” tribe.

Allegations of Failure to Comply: A Snapshot

Through FY 2010, 69 individual, written allegations of failure to comply with the requirements of NAGPRA have been made against a total of fifty (50) museums. The number of written allegations, by year, is as follows:

Table 6: Total Number of Written Allegations Received (by Year)

Year	Total # of Allegations
1996	1
1997	5
1998	3
1999	1
2000	2
2001	2
2002	5
2003	4
2004	4
2005	8
2006	3
2007	7
2008	6
2009	5
2010	13

FY 2010: Investigations and Findings

During FY 2010, eighteen (18) counts of alleged failure to comply, made against nine (9) museums, were investigated. The investigations yielded determinations of failure to comply on three (3) counts, and determinations that the allegation was unsubstantiated on fifteen (15) counts. The three substantiated counts of failure to comply were comprised of one count of failure to complete a summary (43 C.F.R. 10.12 (b)(1)(ii)), and two counts of failure to complete an inventory (43 C.F.R. 10.12 (b)(1)(iii)).

New Allegations Received in FY 2010

During FY 2010, thirteen (13) individual written allegations, made against eleven (11) museums, were received. By the end of the fiscal year, one (1) alleged count, against one (1) museum, had been investigated.

Table 7: Disposition of Allegations of Failure to Comply, Based on the Number of Museums in Allegations (FY 2010 and Total)

	# Museums Represented in Allegations	# Museums in Allegations Investigated	# Museums in Allegations Investigated With One or More Substantiated Counts	# Museums in Allegations Investigated Without a Single Count Substantiated	# Museums in Allegations Remaining to Be Investigated
FY 2010	11	1	1	0	10
Total 1996-2010	50	27	14	13	26

FY 2006-2010: Investigations and Findings

Through FY 2010, the investigation of thirty-one (31) allegations of failure to comply, made against twenty-seven (27) museums, has yielded a determination of failure to comply on twenty-one (21) counts, involving fourteen (14) museums, and a determination that the allegation was unsubstantiated on one hundred and forty five (145) counts. Thus, through FY 2010, the percentage of investigated museums that have been determined to have failed to comply with the requirements of NAGPRA is 52%, whereas the percentage of alleged counts that have been determined to be substantiated is 13%.

The twenty-one (21) substantiated counts of failure to comply were comprised of one count of sale or transfer of NAGPRA cultural items contrary to NAGPRA (43 C.F.R. 10.12 (b)(1)(i)); two counts of failure to complete a summary (43 C.F.R. 10.12 (b)(1)(ii)); nine counts of failure to complete an inventory (43 C.F.R. 10.12 (b)(1)(iii)); six counts of refusal to repatriate (43 C.F.R. 10.12 (b)(1)(v)); and three counts of failure to consult with tribes (43 C.F.R. 10.12 (b)(1)(vii)). The trends in allegations made and violations substantiated are reflected in the following chart.

Table 8: Substantiated Counts of Failure to Comply by Category (FY 2010 and Total)

Violation Type	FY 2010	Total
i. Transfer	0	1
ii. No Summary	1	2
iii. No Inventory	2	9
iv. Not Notify	0	0
v. Not Repatriate	0	6
vi. No Notice	0	0
vii. Not Consult	0	3
viii. Pesticides	0	0
ix. Not Offer to Transfer CUI	0	0

Penalty Assessments

A museum receiving a notice of failure to comply has 45 days to take specific action, as set forth in the NAGPRA regulations, after which a penalty assessment may issue. To date, ten notices of penalty assessment, involving nine museums, have been issued by the Assistant Secretary. In four additional cases, the Assistant Secretary determined, following informal discussion with the museum, that the institution of a civil penalty was not an appropriate remedy (43 C.F.R. 10.12 (d)). As of the end of FY 2010, \$35,990 in penalties has been paid by six museums. The 45-day notice period has not yet run for payment of \$6,689.44 assessed against three museums.

Administrative Hearings

A museum receiving a notice of failure to comply or a notice of penalty assessment has 45 days from the date of receipt of the notice to request an administrative hearing. To date, one museum has requested a hearing. As a settlement was reached prior to the hearing, a motion to dismiss the case was granted by the administrative law judge assigned to hear the matter.

Review Committee:

During FY 2010, the following people served on the Native American Graves Protection and Repatriation Review Committee: Sonya Atalay, Donna Augustine, Alan Goodman, Eric Hemenway, Dan Monroe, Rosita Worl, and Mervin Wright, Jr. The Review Committee's Designated Federal Official complies with all filings required by the Federal Advisory Committee Act (FACA). For more information on the Review Committee, contact David Tarler, Designated Federal Official (David_Tarler@nps.gov).

On October 30-31, 2009, the Review Committee met in Sarasota, FL. At the meeting, the Review Committee made findings of fact related to the identity of cultural items at the request of the San Carlos Apache Tribe and the White Mountain Apache Tribe, through the Western Apache NAGPRA Working Group (pursuant to 25 U.S.C. 3006(c)(3)). The Review Committee determined that the written request of the Apache tribes to the American Museum of Natural History for the repatriation of 45 items showed that, more

likely than not, all the items were both “sacred objects” and “cultural patrimony.” The Review Committee also heard 16 separate requests, and made recommendations to the Secretary of the Interior, regarding the agreed-upon disposition of culturally unidentifiable Native American human remains and associated funerary objects under the control of Grand Canyon National Park, Denver Museum of Nature and Science, Grand Rapids Public Museum, Georgia Department of Transportation, University of Colorado Museum, New York University College of Dentistry, and Pioneer Historical Society of Bent County (CO).

On May 14, 2010, the Review Committee met by teleconference. During the meeting, the Review Committee heard presentations on progress made, and barriers encountered, in implementing Sections 5, 6, and 7 of NAGPRA as part of the Review Committee’s reporting to the Congress; discussed the scope of the 2009 Report to the Congress; discussed, formulated, and adopted the Review Committee’s comment on the rule concerning the disposition of Native American human remains determined to be “culturally unidentifiable” (43 C.F.R. 10.11); and received an update on the work of the National NAGPRA Program.

On June 11, 2010, the Review Committee met by teleconference. During the meeting, the Review Committee adopted the report to the Congress for 2009; appointed the subcommittee to draft the report to the Congress for 2010; for the first time, heard a request, and made a recommendation to the Secretary of the Interior, on the reburial of human remains determined to be culturally unidentifiable, following the requirements of the new rule at 43 C.F.R. 10.11; and received an update on the work of the National NAGPRA Program, including the reiteration of National NAGPRA’s May 17 request to the Review Committee seeking their active involvement in the *NAGPRA at 20* symposium.

Two templates to assist in submitting a request for a recommendation to the Secretary for approval of the agreed-upon disposition or reburial of culturally unidentifiable Native American human remains are posted on the National NAGPRA Program website. One of the forms is for human remains with a “tribal land” or “aboriginal land” provenience, and the other form is for human remains without such a provenience.

Review Committee procedures may be found at www.nps.gov/history/NAGPRA/Revcom. Nominations for the seven-member Review Committee vacancies are solicited through a notice published in the Federal Register. The information on all of the nominees then proceeds through a review process in the Department of the Interior, culminating in a decision by the Secretary of the Interior.

Excavations and Discoveries

Notices of Intended Disposition

Notices of Intended Disposition published in newspapers by Federal agencies are submitted to the National NAGPRA Program. There are 105 Notices of Intended Disposition reported by Federal agencies to date, accounting for individuals, associated funerary objects, unassociated funerary objects, and objects of cultural patrimony. A listing of these notices is available on the online Notices of Disposition Database.

Regulations

Three reserved sections of the NAGPRA regulations (43 CFR 10) were pending in FY 2010:

- 43 CFR 10.7, Disposition of unclaimed human remains, funerary objects, sacred objects, or objects of cultural patrimony, is in development. A Federal Agency Working Group was established to assist the regulations coordinator to develop a rule. At the beginning of FY 2009, contractor Lesa Koscielski prepared a disk for use by the Review Committee and the Working Group, which contained the full transcript of all of the prior consultation sessions with tribes and science and museum groups, as well as an executive summary of the suggestions. This disk and the ongoing drafts of the Working Group were provided to the Review Committee at each of the three meetings of the Review Committee in FY 2010 to assist the Review Committee in consultation on the developing rule.
- 43 CFR 10.11, Disposition of culturally unidentifiable human remains, was published as a final rule on March 15, 2010. Comments were requested until May 14, 2010. The final rule has been acted upon by states, Federal agencies and museums. Training on the rule was provided to 180 participants immediately upon finalization and other training events have occurred throughout FY 2010. New templates for notices following the mandates and options in the rule are available on the National NAGPRA Program website at www.nps.gov/notices.
- 43 CFR 10.15(b), Failure to claim where no repatriation or disposition has occurred, is held pending the completion of the above noted regulatory sections and the development of the likely parameters of the population to be served by the rule.

For more information on regulations, contact Richard Waldbauer (Richard_Waldbauer@nps.gov).

Technical Assistance

Training:

The National NAGPRA Program provides training offered by the program and hosted by tribes, museums and Federal agencies. During this reporting period, staff has given 26 training programs and other presentations to 1,241 participants, in addition to supplying materials for training given by others. For more information on training, contact David Tarler (David_Tarler@nps.gov).

In FY 2010, the National NAGPRA Program provided training and program presentations as summarized below, with the number of attendees:

DATE	LOCATION	TRAINING	#ATTENDED
Oct. 15	webinar	National NAGPRA Program: "NAGPRA Databases"	31
Oct. 21	OR	Tribal Archives, Libraries, and Museums Conference: "Implementing NAGPRA"	55
Oct. 29	FL	National NAGPRA Program: "NAGPRA Basics"	43
Dec. 8-9	AZ	National Preservation Institute: "Native American Cultural Property Law"	25
Jan.26	webinar	National NAGPRA Program: "NAGPRA Notices: Types, Process and Content"	39
Feb. 3	webinar	National NAGPRA Program: "Understanding the Role of the NAGPRA Review Committee"	33
Feb. 23-24	PA	National Park Service: "Enforcing Cultural Heritage Laws"	15
Mar. 3	VA	National Park Service: "Enforcing Cultural Heritage Laws"	15
Mar. 17	DC	Federal Agency NAGPRA Coordinators Meeting: "Overview of the Rule at 43 C.F.R. 10.11"	32
Mar. 20	WI	Coming Together of Nations: "NAGPRA Enforcement"	45
April 14-15	MO	National Park Service: "Enforcing Cultural Heritage Laws"	19
April 19	webinar	National NAGPRA Program: "Integrating the Rule at 43 C.F.R. 10.11 into the NAGPRA Process"	169
April 29	webinar	National NAGPRA Program: "NAGPRA Open Forum"	46
May 11	VA	Bureau of Indian Affairs, Regional Archeologists Meeting: "NAGPRA Basics"	25
May 20	TN (telephonic)	Chata Tikba Aiiisht Anumpoli: Speaking of the Choctaw Ancestors (NAGPRA consultation conference)	100
May 22	DC	13th US/ICOMOS International Symposium: "Looting and Illicit Traffic -- The Impact on Cultural Heritage Sites"	50
May 23	CA	American Association of Museums Conference: "NAGPRA At 20: Assessing the NAGPRA Experience"	63
May 27	WV	Indian Law Training for NPS and USDA/FS: ARPA/NAGPRA	49
June 17	CT	Society of American Indian Government Employees (SAIGE), 7 th Annual Training Conference: "20 Years of NAGPRA"	10
June 23	webinar	National NAGPRA Program: "Starting a Repatriation Program: What Every Tribe Should Know"	35
June 26	WV	Council for West Virginia Archaeology: "NAGPRA Training"	45
July 28	webinar	National NAGPRA Program: "NAGPRA for Museums"	77

Aug. 11	WI	12th Annual National Association of Tribal Historic Preservation Officers (NATHPO) Meeting: “NAGPRA Training”	80
Sept. 8	webinar	National NAGPRA Program: “Managing Your NAGPRA Grant”	53
Sept. 14-16	LA	National Park Service: “Cultural Heritage Crime & Investigations”	11
Sept. 22	OK	American Association for State and Local History: “Common Ground: Best NAGPRA Practices for Museums & Tribes”	76
			Total 1,241 attendees

Webinars:

The National NAGPRA Program conducted eight (8) webinars in FY 2010. They were:
 NAGPRA Databases,
 NAGPRA Notices: Types, Process and Content,
 Understanding the Role of the NAGPRA Review Committee,
 Integrating the Rule at 43 C.F.R. 10.11 into the NAGPRA Process,
 NAGPRA Open Forum,
 Starting a Repatriation Program: What Every Tribe Should Know,
 NAGPRA for Museums, and
 Managing Your NAGPRA Grant.

Of the 1,241 total attendees at FY 2010 trainings conducted either in whole or in part by the National NAGPRA Program, 483 received their training via webinar (39%).

Video Project:

The NAGPRA Video Project began in October 2008 with the mission to create a training series that would include grant-writing tips, first-person narratives, program statistics, anecdotal evidence, and in-depth, engaging coverage of the entirety of the law and its consequences. Over the past two years the National NAGPRA Program has conducted fifty interviews in ten cities across the country. These interviews with tribal members, museum officials and Federal agency representatives have created a historic archive of resources on consultation, grants, notices, law making, dispositions, documentation and repatriation. Along with the interviews, the National NAGPRA Program was also able to complete taping and initial video segments on:

- NAGPRA Notices
- NAGPRA Grants
- Consultation Under NAGPRA
- Decision-making Under NAGPRA
- NAGPRA Civil Penalties
- NAGPRA Review Committee
- The Development of NAGPRA
- NAGPRA

The segments will undergo final editing and release in FY 2011.

The video project was made possible by partners National Preservation Institute; Department of the Interior National Business Center; National Portrait Gallery, Smithsonian Institution; Sealaska Heritage Institute; BCreative Group, Inc; Loras College, Iowa; and the production team of S. Margaret Spivey, Harvard College, Megan Keller, the George Washington University, Lauren A. Trice, University of Mary Washington, Jim Boyd, National Park Service, Vishal Narang and Taylor Stanton.

Outreach:

In addition to responding to telephone inquiries and email correspondence, including mail sent to the website on a daily basis, in total for FY 2010 approximately 2,000 inquiries, the National NAGPRA Program receives requests for assistance from college students and faculty conducting research projects which rely on program information. Aides to research by institution are:

- University of Arizona, Rogers College of Law
- Harvard University
- American University College of Law

National NAGPRA Website:

The National NAGPRA Website provides easy access to the statute, regulations, guidance, and a variety of information resources designed to support NAGPRA Implementation.

Overview-

The National NAGPRA Website (<http://www.nps.gov/nagpra>) continues to be the program's primary medium for electronic communication. Major sections are summarized below.

The menu includes links to:

New navigational pages for Documents and Publications,
Online Databases,
Notices,
Grants,
Training,
Review Committee, and
Law and Regulations.

During the reporting period, National NAGPRA posted new material, including: National NAGPRA FY 2009 Annual Report, FY 2009 RC Report to Congress (<http://www.nps.gov/nagpra/DOCUMENTS>), and an overview of the 43 CFR 10.11 CUI Rule (<http://www.nps.gov/history/nagpra/DOCUMENTS/At-a-glance-43CFR10.11.pdf>).

There are links to Links to the Past (NPS cultural resources programs), ParkNet (the NPS homepage), FOIA statement, Privacy statement, Disclaimer, FirstGov (the U.S. Government's official Web portal) and a link to the U.S. Department of the Interior (DOI Home).

Navigational Improvements-

Further changes to the side menu and bottom navigation bar are expected as NPS Website design requirements continue to evolve.

- An "Archives" section was added to the National NAGPRA Website (<http://www.nps.gov/history/nagpra/NEWS>). This section provides a history of headlines posted to the main webpage.
- The "Grants" page was modified to include FY 2010 Grant Application and Forms, Grant Awards to Date, and updated the Grantees section.
- The "Notices" page was modified to include links to Notices templates for both culturally affiliated and culturally unidentifiable inventories. (<http://www.nps.gov/history/nagpra/NOTICES>).
- The "Online Databases" page was modified to include links to Notices of Intended Disposition (<http://grants.cr.nps.gov/nid>), Culturally Affiliated Native American Human Remains Database (<http://grants.cr.nps.gov/CAI>), and a Summaries Database. <http://grants.cr.nps.gov/summaries>.

- The “Documents and Publications” page was modified to include links to the National Atlas, the FY09 National NAGPRA Final Report, and added two new sections: Forms, Templates, and Reports Requested by the Native American Graves Protection and Repatriation Review Committee.

Frequently Asked Questions-

(<http://www.nps.gov/nagpra/FAQ/>) is designed to provide answers to the most common NAGPRA questions. Topics addressed in the FAQ include NAGPRA information, as well as specialized subjects, such as inadvertent discoveries, the status of non-federally recognized tribes under NAGPRA, and international repatriation. The FAQ also includes links to the NAGPRA Glossary (see below for more information).

Online Databases-

National NAGPRA provides online access to seven searchable databases—

1. Native American Consultation Database (NACD),
2. Notices of Inventory Completion,
3. Notices of Intent to Repatriate,
4. Notices of Intended Disposition,
5. Summaries,
6. CUI Inventories ,and
7. CAI Inventories

—through an NPS Server administered by the National NAGPRA’s in-house database capacity. The Online Databases page (<http://www.nps.gov/nagpra/ONLINEDB/>) provides a single entry point for accessing all current and future National NAGPRA online databases.

Documents and Publications-

(<http://www.nps.gov/nagpra/DOCUMENTS/index.htm>) provides a single point for locating the various print and electronic publications produced by the program. The Documents and Publications section has links to:

Maps (Indian Reservations in the Continental United States, Indian Land Areas Judicially Established 1978, and Military Bases in the Continental United States);

National NAGPRA reports; and

National NAGPRA Update, the newsletter of National NAGPRA .

Added are *Forms, Templates, Reports Requested by the Native American Graves Protection and Repatriation Review Committee, and Other Items.*

Training

The Training page (<http://www.nps.gov/nagpra/TRAINING/index.htm>) features a new section titled “NAGPRA Webinars,” designed to provide information on a series of webinars related to the implementation of NAGPRA. The NAGPRA Webinars section includes registration information, upcoming as well as past webinars. New information has also been added regarding additional NAGPRA Trainings in partnership with the National Preservation Institution (NPI). The Training page also includes links to PDF

versions of many of the handouts used in National NAGPRA training, as well as a link to the NAGPRA Glossary (<http://www.nps.gov/nagpra/TRAINING/GLOSSARY.htm>). The NAGPRA Glossary provides definitions for many of the specialized terms used in NAGPRA. Links to specific items in the Glossary appear throughout the National NAGPRA Website. The NAGPRA Glossary is a working document, and users are invited to submit comments to NAGPRA_info@nps.gov.

Law and Regulations

The Law and Regulations section of the Website (<http://www.nps.gov/nagpra/MANDATES/>) has been expanded to include new subsections on “Legislative History (including Preambles)” and “Regulatory History (including Preambles)”. New information has also been added regarding the reserved sections of the NAGPRA regulations (http://www.nps.gov/nagpra/MANDATES/Reserved_Sections.htm).

For more information about National NAGPRA information systems, contact Mariah Soriano, National NAGPRA Program Officer, Web and Database Coordinator, (Mariah_Soriano@nps.gov)

Databases and Information Management Systems:

Overview

During the reporting period, the program emphasized the evaluation of the current database and the program’s reporting requirements, development of new civil penalties and grants modules, enhancements to the database, input of data to the “culturally affiliated” Native American human remains inventory database and the notices of intended disposition, and launching of the online accessibility of data. The program also completed a major reconciliation of database records and paper files for inventories, summaries, and notices.

IT Support and Server

In July 2010, National NAGPRA transferred all of its electronic files to a server that is managed by an in-house cultural resources team of information technology specialists. This transfer allows the management of National NAGPRA Program files, website, and online databases to be more centralized and efficient.

NAGPRA Inventories, Summaries, and Notices

The reconciliation of paper-to-electronic records during the reporting period provided an opportunity to review and improve the filing system for the paper copies of inventories, summaries, and notices that been submitted to the National NAGPRA Program by museums and Federal agencies. National NAGPRA Program files, systematically catalogued by museum/agency, allow National NAGPRA staff and outside researchers to

access inventory, summary, and notice files. Records of the NAGPRA Review Committee are also systematically filed.

National NAGPRA Program Database

The amount and complexity of the data that the National NAGPRA Program collects and tracks -- through its reporting requirements, as well as through ongoing analyses -- continues to increase. Currently, nine linked modules (Tribes, Museums/Agencies, Mailing List, Grants, Notices, Inventories, Summaries, Civil Penalties, and Geographic Data) comprise the NAGPRA database in Access 2007. Stand-alone databases for Training and Grants Analysis also serve the program's needs. During FY 2010, the program emphasized input of data to the Culturally Affiliated Native American Human Remains component of the database, the evaluation of the National NAGPRA Program's database search and report requirements, and a public launch for the online accessibility of data. Modifications to the infrastructure of the database also occurred. A probable upgrade of software will take place during FY 2013.

Databases:

The National NAGPRA Program maintains several databases and will be adding additional public access databases in the near future. The National NAGPRA Program receives the compliance documents from Federal agencies and museums, including:

- inventories of culturally affiliated Native American human remains,
- inventories of culturally unidentifiable Native American human remains,
- notices of inventory completion published in the Federal Register of Native American human remains, either culturally affiliated for repatriation or culturally unidentifiable for disposition,
- notices of intent to repatriate items from the summaries, per agreement with tribes,
- newspaper notices published by Federal agencies for new finds on the land and intended disposition, and .
- summaries of Federal agency and museum collections

The National NAGPRA Program supports consultation between Federal agencies and museums with tribes in furtherance of the NAGPRA process by making this information publicly available on the web. In addition, other tools to assist consultation are posted on the program website.

Data Management:

In March 2008, NuAxis, an information technology consulting firm, won a service-wide Blanket Purchase Agreement (BPA) for IT Services with the Department of the Interior, National Park Service, allowing NuAxis to serve the National NAGPRA Program IT needs. Beginning in FY 2009 NuAxis provided information support services to the National NAGPRA Program with a focus on software and systems. Some of the

requirements performed throughout the contract included: database system design and development (.mdb), writing and updating scripting and programming needs (.cfm, .cfr, jvp), developing or updating web infrastructure applications, web-based enterprise application development, data mining, testing, and troubleshooting.

The completed modifications to the National NAGPRA information system includes—

- Improved searching of inventories, summaries, grants, notices, and civil penalties
- Improved links between the Museums/Agencies. Tribes, Notices, Grants, and Mailing List modules
- Addition of fields to record data for Federal agencies
- Refinement and expansion of capabilities for the mailing list
- Expansion of the report capabilities for all areas of the database
- Development of an online version of the Culturally Affiliated Native American Inventories Database

Development of an online version of the Notices of Intended Disposition Database

Development of an online version of the Summaries Database

Data Quality:

The National NAGPRA Program holds complete paper inventory files from each institution that has submitted an inventory, however, many of these paper files were not entered into the electronic database in the first years of the program. Inaccuracies in the database records stem from earlier efforts to expedite the publication of notices, but without reconciling data. Specifically, NPS staff as well as contract employees hired in 2000 to publish notices did not reconcile the numbers of human remains and objects listed in the notices with those listed in inventories and summaries, and this left data inaccuracies. For example, an agency or museum might have listed human remains as culturally unidentifiable in an inventory, but later affiliated and repatriated those remains and not informed National NAGPRA so they could update their database. By not reconciling this information, data in the culturally unidentifiable database would be incorrect. The databases are in continual update from newly submitted records as well as to reconcile program data to ensure accuracy. New and amended inventories are entered into the databases as they come into the National NAGPRA office, which occurs regularly. The information is cross-referenced against inventory records and notices. Each of the databases is updated as more information becomes available therefore it is a continuous, ongoing process for the National NAGPRA Program. Corrections, updates, and additions to the databases are made as museums and agencies continue to verify the data that have been entered, or submit revised inventories.

For more information about National NAGPRA Program information systems, contact Mariah Soriano, Program Officer, National NAGPRA, Mariah_Soriano@nps.gov.

The following databases exist, or are being updated as follows:

Native American Consultation Database (NACD): This long-standing database provides the names and contact information supplied by each tribe for their NAGPRA contact for

consultation. The database underwent structural updating with a software contractor in FY 2010. In addition, the NACD was moved from the nps.gov server to an in-house cultural resources server which is directly maintained by the National NAGPRA Program. Names and addresses of tribal leaders have been updated from the summer 2010 Bureau of Indian Affairs Tribal Leaders Directory. This database can be searched by tribal name, tribal representative name, state and county name, and reservation name to yield information on tribes, their status under NAGPRA, tribal representatives for consultation, reservation lands, and Indian Claims Commission decisions. The information in the database is updated when new information on the names of tribes and tribal representatives is received from the Bureau of Indian Affairs, or official contact information is received by National NAGPRA from tribes. An update of this information was completed in September 2010. The National NAGPRA Program is planning to include additional Native American land claims decisions made since the 1980 Final Report of the U.S. Indian Claims Commission.

Consultation efforts are further supported by maps accessible on the program website, including maps of tribal lands, treaty areas, and the 1906 ethnographic maps of tribal aboriginal areas. Once the area of an item in a collection, or new discovery on the land, is determined, these maps can be used to locate the tribes with a possible interest in human remains or items from an area. The NACD will supply the contact information for the tribe.

Notice of Inventory Completion (NIC) Database: There is currently available on the website a database of published notices of inventory completion, which is updated as new notices are published. For this reporting period, 135 notices were posted online. This information is helpful to aid in information sharing and informing consultation on other notices. This database can be searched by date, museum/agency, title, and key word.

Notices of Intent to Repatriate (NIR) Database is a searchable library of published Federal Register notices pertaining to Native American unassociated funerary objects, sacred objects, and objects of cultural patrimony. 45 NIRs were posted online for FY 2010.

Cultural Unidentifiable Native American Inventories Database (CUI): This database was launched in 2005 and has informed disposition decisions on CUI, as well as bringing to public view the contents of CUI inventories from which thousands of individuals have been subsequently listed in amended inventories as culturally affiliated, placed in published notices and made eligible for repatriation.

Culturally Affiliated Native American Inventories Database (CAI): Beginning in FY 2009, a project began with a goal to enter all culturally affiliated inventory listings from paper files, and then make the information available as a public access item. This database of CA inventories was initially launched in March at 25% complete, achieving full population in the summer of FY 2010 (Table 10). The final number is higher than the 31,205 culturally affiliated human remains reported in inventories at the start of the database project in FY 2009. The increase is due to the efforts of the reporting agencies and museums to verify the original submissions and to submit amended inventories. Most

of the original inventories dated to 1995. Also, listed in the database are associated funerary objects. The number of associated funerary objects is 1,019,046. The CAI Database provides a comprehensive picture of where culturally affiliated Native American human remains are housed. Full population of data enables accurate reports of the individuals culturally affiliated but not yet in notices.

Table 9: CAI Database Project Inventory Status

Date	MNI	AFO
FY 2008	31,205	683,605
FY 2009	36,746	1,004,893
FY 2010	41,776	1,019,046

Summaries Database: This database of Summaries was launched as a public access item in the summer of FY 2010. By posting summaries on a public access database, tribes will have easily accessible information on those Federal agencies and museums that list them as having an interest in items, as well as to disclose locations of items when summaries were not sent to a particular tribe. The database should foster consultation and inform claims decisions of tribes, as well as provide information to museums of similar collections. Each record will contain the name of every tribe and NHO that has received a copy of a summary from a museum or Federal agency.

Notice of Intended Disposition Database (NID): Launched in April of FY 2010, this notice database completes the disclosure and public access of the NAGPRA compliance documents for public use, with new discovery information. A Notice of Intended Disposition is published in newspapers by Federal agencies for cultural items excavated or removed from Federal lands. The Federal agency official sends copies of published NIDs to the National NAGPRA Program. The NID database provides this information searchable by agency or by state.

Review Committee Decisions by Topic: A report of Review Committee decisions has been supplied in program reports for several years. These reports have given historical accounting of the parties in a dispute, the general dispute item and the resolution. For purposes of assisting parties, researchers and the general public, having an interest in the varied issues and determinations on the matters, a more issue specific database is needed. A searchable-by-topic database of Review Committee opinions has been evolving and has been the project of several volunteer law school student interns. This project is not yet ready for release and will be in continual development in FY 2010.

Future Database Development: Planned in the future are public access tools including: listings of training opportunities by government, tribal and private providers; resources to support the NAGPRA process for Federal agencies, tribes and museums such as

providers of toxic substance detection; listings of state/NAGPRA protocols approved by the Secretary of the Interior; and other products as may be suggested by the Review Committee to support the NAGPRA process.

State Burial Laws Project: This massive, multi-year project is a partnership with American University, Washington College of Law. Over the last five years, law students under the direction of David Tarler have collected the enforcement and compliance laws pertaining to human remains and burials for every state and the District of Columbia, and have annotated the laws by topic, in order to enable research across all states or within a particular state. By the end of FY 2010, 44 of the 51 jurisdictions had been annotated. The publicly-accessible data will be housed on a Washington College of Law website. The law school has committed itself to maintaining and updating the website. Washington College of Law will launch the website on November 15, 2010, at the *NAGPRA at 20* symposium.

The product of this partnership will assist states in the resolution of repatriation and protection of human remains discovered on state lands, and will support further development by states of repatriation protocols consistent with NAGPRA. It will be a useful tool for developers and those who work in the field of NEPA and NHPA compliance.

Illegal Trafficking:

NAGPRA provides criminal penalties for violations of 18 U.S.C. 1170, Illegal Trafficking in Native American Human Remains and Cultural Items. The cases are investigated by Federal law enforcement agents and handled by United States Attorneys throughout the country. National NAGPRA offers training for attorneys and agents and provides technical assistance upon request. For more information on cultural property law and enforcement, contact David Tarler (David_Tarler@nps.gov).

Program Operations

Externs, Interns:

The National NAGPRA Program forms partnerships with the National Center for Preservation Education (NCPE), law schools and universities, and the Cultural Resources Diversity Program within NPS, through the Student Conservation Association (SCA), to offer internships in government service and externships from law schools where students earn course credit. Intern/extern projects provide numerous benefits to the National NAGPRA Program and the communities that it serves.

The externs/interns and the projects in progress in FY 2010 were:

Project: *Culturally Affiliated Human Remains Inventories Database*, under the direction of Mariah Soriano

Lindsay Palaima, graduate student, Museum Studies, San Francisco State University

Project: *A Survey of State Laws Affecting Burials*, under the direction of David Tarler
Second year law students, American University Washington College of Law,
Christopher Baia, Nathan Buck, Laura Diamond, Robert Foster, Rachel Gordon, Ben
Hunter, Jenny Bone Miller, Paul Rinefierd, David Snyder, Ashley Teesdale, Aileen
Thomson, Braunsn Virjee and Rachel Zoghlin.

Project: *A Study of the NAGPRA Review Committee's Decision-Making under 25 U.S.C. 3006(c)(3)(4) & (5)*, under the direction of Sherry Hutt and David Tarler, third year law student at University of Idaho College of Law, Sally Butts.

Project: *The Status of NAGPRA Compliance Among Museums with the Largest Collections of Native American Human Remains*, under the direction of Sherry Hutt and David Tarler, second year law student at the Georgetown University Law Center, Lauren Miyamoto.

Project: *NAGPRA Video*, under the Direction of Sangita Chari
Megan Keller, graduate student, Museum Studies, George Washington University,
Vishal Narang and Taylor Stanton.

National NAGPRA Staff:

The National NAGPRA staff roster as of September 30, 2010 is:

Program Manager: Sherry Hutt
Program Secretary: Robin Coates
Program Officers: David Tarler
Sangita Chari
Mariah Soriano
Richard Waldbauer

The program is assisted by contractors:

Jaime Lavallee
Lesa Koscielski
NuAxis
Lauren Trice

The civil penalty investigator is Bob Palmer, in cooperation with NPS Law Enforcement, Resource and Visitor Protection and Effigy Mounds National Park. The National Park Service is accommodating the National NAGPRA Program on an ongoing basis with law enforcement agents across the country to assist Bob Palmer in collecting information on allegations of failure to comply, as needed.

In addition, the National NAGPRA program receives support from other NPS employees:

Hampton Tucker and Vedet Coleman, grants administration
Kathleen Murphy, IT support
Jane Fu, IT support

FY 2010 Budget

The National NAGPRA Program receives appropriations from Congress for grants and grants administration. Funding is also provided through the National Park Service. The figures below are in thousands and are approximate pending final invoices.

Grants Appropriations:

Congressional appropriation	\$2,300
Used for National NAGPRA Program	550
Available for Grants FY 2010	<hr/> 1,750
Grants Awarded FY 2010	<hr/> 1,750

National NAGPRA Program Funding:

National NAGPRA Program support	550
Grants administration appropriation	191
Operations funding from NPS	229
Cultural Resources accounts	
Funding from NPS Law Enforcement	
for enforcement support and training	45
Total of funding sources:	<hr/> \$ 1,015

Operational Expenses:

Personnel Compensation:	\$ 655
Contractors and interns:	130
Publication (Fed. Reg. & printing)	90
Travel NAGPRA staff, Review Com.	60
(training & Review Committee meetings)	
Equipment, supplies	20
Review Committee meeting events	10
Review Committee transcripts	32
Review Committee fees	18
Total Expense	<hr/> \$ 1,015